

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT FISHER,

Petitioner,

v.

JEFFREY BEARD, Commissioner,
Pennsylvania Department of
Corrections, *et al*,

Respondents.

:
:
:
:
:
:
:
:
:

CIVIL ACTION

No. 03-788

FILED

JUL 25 2018


KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 25th day of July, 2018, upon consideration of Mr. Fisher's Writ of Habeas Corpus (Doc. No. 4), the Memoranda in Support (Doc. Nos. 14 & 46), the Commonwealth's Responses (Doc. Nos. 20 & 45), the Reply in Support (Doc. No. 24), the record received in this case (*see* Doc. Nos. 29 & 48), the Supplemental Authority and Briefing (Doc Nos. 49, 50 & 60), and oral argument held on October 13, 2006 and January 30, 2018, it is **ORDERED** that the Writ of Habeas Corpus (Doc. No. 4) is **GRANTED** for Mr. Fisher's first degree murder conviction, as outlined in the Court's July 25, 2018 Memorandum Opinion.

The execution of the writ of Habeas Corpus is **STAYED** for 180 days from the date of this order, during which time the Commonwealth of Pennsylvania must retry Mr. Fisher on the murder charge or release him from state custody. No extensions of this stay shall be granted absent extraordinary circumstances. By no later than January 26, 2019, the parties shall provide the Court with a joint status update on the case.

BY THE COURT:


GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE